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SERIES III No. 13

OFFICIAL GAZETTE



GOVERNMENT OF GOA, DAMAN AND DIU

EXTRAORDINARY

GOVERNMENT OF GOA, DAMAN AND DIU

Tourism, Information and Transport Department

Notification

No. HD/25/62/71(T&A) Vol. III

Whereas the draft of the Reciprocal Transport Agreement, which the Government of Goa, Daman and Diu proposes to enter into with the Government of Maharashtra with regard to the operation of motor vehicles on inter-State routes, was published as required by sub-section (3A) of section 63 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), vide Government Notification No. HD/25/62/71(T&A)/Part File dated the 19th August, 1982, published in the Extraordinary Official Gazette No. 21, Series III dated the 25th August, 1982 inviting representations from all persons likely to be affected thereby within a period of 30 days from the date of publication of the Notification in the Official Gazette.

And whereas the said Gazette was made available to the public on the 25th August, 1982;

And whereas objections and suggestions received have been considered by the Government.

Now, therefore, in exercise of the powers conferred by sub-section (3B) of section 63 of the Motor Vehicles Act, 1939 (Central Act 4 of 1939), the Government of Goa, Daman and Diu hereby publishes the Reciprocal Agreement entered into with the Government of Maharashtra as set out below:

The Agreement shall come into force with effect from the 1st July, 1986.

By order and in the name of the Administrator of Goa, Daman and Diu.

Panaji, 24th June, 1986.—The Under Secretary (STE)
T. J. Faleiro.

AGREEMENT

This Agreement made this 24th day of the month of April one thousand nine hundred and eighty six between the Governor of Maharashtra (hereinafter called "the Government of Maharashtra") of the one part and the President of India (hereinafter called "the Government of Goa, Daman and Diu") of the other part.

Whereas a Reciprocal Agreement was entered into between the Governor of Maharashtra and the President of India on the 1st day of January, 1976 (hereinafter called "the said Agreement") in regard to the operation of stage carriage services and grant of permits for private carriers, contract carriages (motor cabs) and public carriers to be operated on

inter-State routes between the State of Maharashtra and the Union Territory of Goa, Daman and Diu (hereinafter called as the "inter-State routes");

And whereas, pursuant to sub-clause 5 of General Clause of the said agreement, the said agreement was to be subject to annual review;

And whereas discussions were held between the representatives of the Government of Maharashtra and the Government of Goa, Daman and Diu on 16-3-1981 and 14-6-1982 at Panaji in respect of operation of motor vehicles on inter-State routes;

And whereas as a result of the said discussions, the parties hereto consider it expedient that the said agreement should be revised and a fresh Agreement should be entered into between the Government of Maharashtra and the Government of Goa, Daman and Diu;

Now, therefore, it is hereby mutually agreed between the parties as hereinafter stated:—

I. Stage Carriages

(a) Inter-State routes for stage carriages shall mean the routes connecting the main nearest traffic points on either side of the border, penetration by passenger transport of either State into the other State being restricted upto the aforesaid traffic point unless otherwise mutually agreed upon by the parties in any particular case or cases.

(b) Permits on inter-State routes for operation of stage carriages as agreed upon shall be countersigned by the reciprocating States as shown in Appendix I.

(c) The fares and freight charged by the operators of either State in the reciprocating State shall not be less than those charged by operators of the reciprocating State for similar services in that State.

(d) Any extension of a portion of an inter-State route lying exclusively in one State may be made by the Transport Authority of that State in respect of services run by the operators of that State without consultation with the Transport Authority of the other State.

(e) The operators of either State operating on inter-State routes shall not halt to pick up or set down any passenger within any two points on the inter-State routes lying on the reciprocating State except as mentioned in Appendix I against specified routes.

(f) Schedules and timings of stage carriages to be plied on inter-State routes shall be fixed by the Transport Authorities of the two States by mutual consultation.

(g) No temporary permit shall be issued or countersigned by the Transport Authorities of the Reciprocating State for the operation of Stage Carriages on the routes specified in Appendix I except that the temporary permits shall be issued and countersigned upto a maximum of ten (10) return trips

per day to be operated by nominees of Maharashtra and Goa in the proportion of six to four (6:4):

- (1) Seasonal - Vacation Permits (April-June) duration of operation 1st April to 30th June;
- (2) Ganesh Chaturthi for 15 days, one week before and after the festival;
- (3) Diwali for 15 days, one week before and after the festival;
- (4) St. Francis Xavier's Feast for 15 days, one week before 3rd December and one week after the festival i.e. from 26th November to 10th December;
- (5) Christmas for 15 days, 22nd December to 5th January.

The operators of either State operating on these temporary permits shall not halt or pick up or set down any of the passengers anywhere in the area of reciprocating State except at those specified in the Appendix I.

(h) Operation of Stage Carriage (Omni-Bus) services by the operators of either State under the provisions of this Agreement should be subject to the following conditions namely:

- (1) The Omni-bus shall not be allowed to be driven by the drivers who do not possess experience of driving such vehicles for a period of at least 5 years.
- (2) No Omni-bus shall be authorised to undertake operation if it is more than 3 years old from the date of its initial registration as a brand new vehicle.
- (3) In case of luxury Omni-buses and air-conditioned buses approved as such by the concerned State Transport Authorities, such vehicles shall not be more than 5 years old from the date of its initial registration as a brand new vehicle.

II. Contract Carriages (taxi cabs).

(A) Countersigned permits:

Contract Carriage permits for metered taxi cabs and luxury cabs (four and five seaters) of the operators of either State shall be countersigned upto a limit of 25 vehicles of each category for any area of the reciprocating State, subject to the following conditions, namely:—

- (1) the taxi cab shall not have a seating capacity exceeding six including the driver, and
- (2) the taxi cab shall not include a station wagon of any description.

(3) Temporary permits:

a) Temporary permits may be issued upto a limit of ten taxi cabs per month by the Transport Authorities of each of the two States without countersignature, subject to the following conditions, namely:

- 1) the taxi cab shall not have a seating capacity exceeding six including the driver; and
- 2) the temporary permit shall not be granted for a period exceeding seven days and shall be valid for one return trip only.

b) Temporary permits shall be granted by the Home State Transport Authority subject to payment of taxes due to the reciprocating States. The permit issuing Officers of the Home State shall issue temporary permits only on receipt of demand drafts drawn in favour of the Secretary, State Transport Authority, Government of Goa, Daman and Diu or the Transport Commissioner, Bombay, as the case may be, for the amount of tax payable to the other State.

c) The Transport Authority of the Home State shall send a statement of temporary permits issued by them alongwith the demand drafts towards the tax paid to the State Transport Authority of the other State, once a month for necessary verification. Particulars of demand drafts shall be noted in the temporary permits to which they relate.

III. Public Carriers.

(A) Countersigned permits:

(a) The quota of public carrier permits granted by the Authorities in Maharashtra to be countersigned by the

State Transport Authority, Government of Goa, Daman and Diu in accordance with the proviso to section 63(3) of the Motor Vehicles Act, 1939 shall be 700 (seven hundred only) and that to be so countersigned by the S.T.A., Maharashtra, shall be 500.

(b) The countersignatures shall be granted for plying the vehicles on all national and State highways with a deviation upto 30 kms. except on prohibited routes.

(c) The vehicles shall not pick up any goods in the countersigning State for setting down the same at any place enroute in that State and thus indulge in intra-State traffic.

(d) The countersignature or its renewal under this Agreement shall be subject to the conditions that it shall be valid for the duration of the period for which all taxes due to the reciprocating State have been paid in advance. The countersignature holder shall pay the goods tax or the further tax (in lieu of goods tax) leviable under section 3(1B) of the Bombay Motor Vehicles Tax Act, 1958, as the case may be, for a period of one year in advance and the countersignature shall be valid for that period only.

(e) For payment of the goods tax or the further tax, as the case may be, as indicated in sub-clause (d), a grace period of two months from the expiry of the period for which the tax was last paid shall be permitted.

(f) No refund to tax paid in advance shall be permitted on account of non-use of the vehicle or dormancy of the permit pending replacement of the vehicle.

(g) If the countersignature holder fails to pay the goods tax or the further tax, as the case may be, within the period specified in sub-clause (e), the countersignature shall be cancelled.

(B) Temporary permits:

(a) There shall be no limit to the number of temporary permits. Temporary permits may be granted for a period not exceeding 30 days at a time by the Transport Authority of the Home State without the countersignature of the Transport Authority of the reciprocating State. These permits may be granted for plying the vehicles on all national and State highways with a deviation upto 30 kilometres in the reciprocating State except on the prohibited routes of the State. For this purpose, both the States will exchange lists of prohibited routes in each State from time to time.

(b) In the case of temporary permits issued by the competent authority in either State for a period not exceeding 30 days, irrespective of whether that period falls in the calendar month or two consecutive calendar months, the taxes due shall be charged for one month only by the Government of Maharashtra and for 30 days only by the Government of Goa, Daman and Diu, provided that where such temporary permit is issued for a period not exceeding seven days, the amount of tax due to the State of Maharashtra shall be one third of the rate payable for one month.

(c) Temporary permits shall be granted by the Home State Transport Authority subject to the payment of taxes due to the reciprocating State. The permit issuing Officers of the Home State shall issue the temporary permits only on receipt of demand drafts drawn in favour of the Secretary, State Transport Authority, Government of Goa, Daman and Diu or the Transport Commissioner, Bombay, as the case may be, for the amount of tax payable to the other State.

(d) The Transport Authority of the Home State shall send a statement of temporary permits issued by them alongwith demand drafts towards the tax paid to the State Transport Authority of the other State, once a month for necessary verification and record. Particulars of demand draft shall also be noted in the temporary permits to which they relate.

IV. Private Carriers.

The quota of private carriers permits of each State to be countersigned by the other shall be 75 (seventy five). The concerned State Transport Authority shall satisfy itself about the bonafides of the business of the applicants for grant of countersignature for the area of routes applied for.

V. General.

(1) Where a provision has been made in this Agreement for the grant of countersignature on permits of the operators of the reciprocating States, the State Government shall arrange with the Transport Authorities concerned for the grant of such countersignature to such operators as may be nominated by the reciprocating State and no other operators.

(2) Save as provided in sub-clause (3), all vehicles plying on regular or temporary permits duly countersigned by the Transport Authority of the reciprocating State shall be exempted from the payment of taxes "leviable" under the Motor Vehicles Tax Act concerned in the reciprocating State. For the removal of any doubt, it is hereby made clear that the vehicles plying on temporary permits without such countersignature shall not be exempted from the payment of the motor vehicles tax in the reciprocating State. Any motor vehicles tax leviable in the reciprocating State shall be paid by the operator in advance of the issue of the permit which is valid for that State.

(3) All goods vehicles registered in the Union Territory of Goa, Daman and Diu and entering the State of Maharashtra on the strength of substantive or temporary permits shall be liable to pay the further tax on motor vehicles (in lieu of goods tax) leviable under section 3(1B) of the Bombay Motor Vehicles Tax Act, 1958.

(4) Vehicles of State Transport Undertakings plying on special permits issued under section 63(6) of the Motor Vehicles Act, 1939 shall be exempted from the payment of motor vehicle tax in the reciprocating State but shall be liable to pay passenger tax, if leviable.

(5) The reciprocating State shall accord recognition to the tax tokens, conductors' licences, public service authorisations, certificates of registration and fitness, etc. of the other State.

(6) Any clause in this Agreement may be amended or a new one may be added to the same at any stage, after mutual agreement. The Agreement shall also be subject to annual review.

(7) This Agreement shall remain in force until it is reviewed and the new Agreement comes into existence as a result of review or until it is rescinded by mutual consent on three months notice on either side.

(8) Every permit granted as per the Agreement shall incorporate the following condition:—

"This permit is issued strictly in terms of inter-State Agreement between the Government of Goa, Daman and Diu and the Government of Maharashtra. If the permit holder or his agent or his driver uses the motor vehicle in a manner not authorised by the permit, such use will be deemed to be without any valid permit and the State Transport Authority which detects such an use will be free to take such action as deemed fit and proper against the user or the permit holder as is permissible under the laws in force in addition to such action as his Home Transport Authority may take".

(9) In respect of temporary permits issued under this Agreement without the necessity of countersignature, the State Transport Authority of each State may give general concurrence to the validity of such permits in the reciprocating State as required by the provisions of sub-section (4) of section 63 of the Motor Vehicles Act, 1939.

Sd/-

24-4-1986

Sd/-

24-4-1986

(V. V. BHAT)

Secretary (Transport),
Government of Goa,
Daman and Diu, for
and on behalf of the
President of India.

(V. P. RAJA)

Transport Commissioner
to the Government of
Maharashtra, for and on
behalf of the Governor
of Maharashtra.

Appendix I — PART 'A'
Allocation of Inter State routes between Maharashtra and Goa

| S. No. | Name of the Route | Trips to be operated by the nominees of | | | | | |
|--------|--|---|--|--|---------------------|--|---------------------|
| | | Maharashtra | | | Goa | | |
| | | Total No. of return trips. | Total No. of permits to be countersigned | No. of route permits to be countersigned | No. of return trips | No. of route permits to be countersigned | No. of return trips |
| | | Min. | Max. | Min. | Max. | Min. | Max. |
| 1. | Sawantwadi-Panaji via Dodamarg | 9 | 14 | 9 | 14 | 3 | 8 |
| 2. | Sawantwadi-Hivrem via Valpoi | 1 | 1 | 1 | 1 | 1 | 1 |
| 3. | Sawantwadi-Dhavem via Valpoi | 1 | 1 | 1 | 1 | 1 | 1 |
| 4. | Vasco da Gama-Sawantwadi via Margao, Ponda, Sanguelim | 2 | 2 | 2 | 2 | — | — |
| 5. | Deogad-Nageshi via Dodamarg, Mapusa, Panaji, Mangeshi, Ponda, Kavalem, Ratnathni | 1 | 1 | 1 | 1 | 1 | 1 |
| 6. | Sawantwadi-Morji via Pernem Patradevi | 2 | 1 | 2 | 1 | 2 | — |

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|-----------|--|----|----|----|----|----|----|----|----|----|----|----|----|
| 7. | Banda - Netarde - Mahakhajan via Hali* | 1 | 2 | 1 | 2 | 1 | 2 | 1 | 2 | — | — | — | — |
| 8. | Sawantwadi - Terekhol via Shiroda, Reddi | 1 | 2 | 1 | 2 | 1 | 2 | 1 | 2 | — | — | — | — |
| 9. | Colvale-Banda via Patradevi | 1 | 1 | 1 | 1 | — | — | — | — | 1 | 1 | 1 | 1 |
| 10. | Panaji-Miraj via Sawantwadi, Kankavli, Kolhapur, Sangli. (To be extended upto Pandarpur during fairs and festivals) | 2 | 2 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 11. | Ratnagiri-Panaji via Sawantwadi, Dodamarg, Mapusa** | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | — | — | — | — |
| 12. | Malwan-Panaji via Sawantwadi, Dodamarg, Mapusa | 2 | 2 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 13. | Vengurla-Panaji via Shiroda, Banda, Dodamarg | 2 | 2 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| 14. | Deogad-Panaji via Sawantwadi, Dodamarg.** | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | — | — | — | — |
| Total ... | | 26 | 34 | 26 | 34 | 14 | 22 | 14 | 22 | 12 | 12 | 12 | 12 |

Note: Picking up and setting down of passengers is allowed at any place enroute.

* The operation on the extended portion Netarde-Mahakhajan is subject to motorability of road.

** Ratnagiri & Deogad operation to be reviewed after 6 months.

Any increase in the trips to be shared with Goa nomine.

PART 'B'

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|-----------|--|--------------------------------------|--------------------------------------|--------------------------------------|--------------------------------------|----------------------------|----------------------------|----------------------------|----------------------------|-----------------------------|-----------------------------|-----------------------------|-----------------------------|
| 1. | Bombay-Panaji via Mahad, Chiplun, Sawantwadi, Mapusa | 7 (i.e. 5 Lux 1 Ord 1 SLux) | 8 (i.e. 5 Lux 2 Ord 1 SLux) | 7 (i.e. 5 Lux 1 Ord 1 SLux) | 8 (i.e. 5 Lux 2 Ord 1 SLux) | 4 (i.e. 3 Lux 1 Ord) | 5 (i.e. 3 Lux 2 Ord) | 4 (i.e. 3 Lux 1 Ord) | 5 (i.e. 3 Lux 2 Ord) | 3 (i.e. 2 Lux 1 SLux) |
| 2. | Bombay-Nageshi via Mahad, Chiplun, Rajapur, Sawantwadi, Mapusa, Panaji, Nageshi, Ponda, Kavlem, Ramnathi | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | — | — | — | — |
| 3. | Bombay-Margao via Mahad, Chiplun, Rajapur, Sawantwadi, Dodamarg, Sanquelim, Ponda | 4 (3 Lux 1 SLux) | 4 (3 Lux 1 SLux) | 4 (3 Lux 1 SLux) | 4 (3 Lux 1 SLux) | 1 (Lux) | 1 (Lux) | 1 (Lux) | 1 (Lux) | 3 (2 Lux 1 SLux) | 3 (2 Lux 1 SLux) | 3 (2 Lux 1 SLux) | 3 (2 Lux 1 SLux) |
| 4. | Panaji-Pune via Dodamarg, Sawantwadi, Kankavli, Kolhapur, Satara | 4 | 4 | 4 | 4 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Total ... | | 16 | 17 | 16 | 17 | 8 | 9 | 8 | 9 | 8 | 8 | 8 | 8 |

In case of the above routes, the nominees of either State are allowed to pick up and set down the passengers in the area of the reciprocating States only at the following stages:

(a) Stages for Goa Operators on journeys:

- (i) Towards Bombay on Panaji-Bombay and Margao-Bombay route; Kudal, Kankavli, Chiplun.
- (ii) Towards Pune on Panaji-Pune route: Kudal, Kankavli, Kolhapur and Satara.

(b) Stages for Maharashtra Operators on journey:

- (i) Towards Panaji on Bombay-Panaji and Panaji-Pune route: Assonora, Tivim, Mapusa, Betim.
- (ii) Towards Nageshim on Bombay-Panaji-Nageshim route: Assonora, Tivim, Mapusa, Betim, Panaji, Mangeshi, Ponda, Kavlem and Ramnathi.
- (iii) Towards Margao on Bombay-Margao route: Bicholim, Sanquelim, and Ponda.

PART 'C'

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 13 | 12 | 14 |
|----|---|---------------------------------|---------------------------------|---------------------------------|---------------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-------------|-------------|-------------|-------------|
| 1. | Bombay-Sadashivgad via Mahad, Chiplun, Rajapur, Sawantwadi, Dodamarg, Sanquelim, Ponda, Kavle, Margao, Pollem | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | — | — | — | — |
| 2. | Bombay-Margao via Mahad, Chiplun, Rajapur, Sawantwadi, Mapusa, Panaji, Ponda | 3 (1 Lux 1 SLux 1 Ord) | 2 (1 Lux 1 Ord) | 2 (1 Lux 1 Ord) | 2 (1 Lux 1 Ord) | 2 (1 Lux 1 Ord) | 1 (SLux) | 1 (SLux) | 1 (SLux) | 1 (SLux) |
| | | 4 | 4 | 4 | 4 | 3 | 3 | 3 | 3 | 1 | 1 | 1 | 1 |

Note: On the above routes the Maharashtra nominees are allowed to pick up or set down passengers at the following Stages:

- (a) Bombay-Sadashivgad route: Sanquelim, Ponda, Kawale (R/F) Margao, Kankona, Pollem.
- (b) Bombay-Margao route: Mapusa, Panaji, Ponda.
- (c) Bombay-Margao route: The Goa nominee are allowed to set down and pick up passengers on journey towards Bombay at the following stages: Kudal, Kankavli, Chiplun.

PART 'D'

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|-----------|---|---|---|---|---|---|---|---|----|----|----|----|----|
| 1. | Bombay-Panaji via Mahad, Chiplun, Rajapur, Sawantwadi, Mapusa | 2 | 2 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |
| Total ... | ... | 2 | 2 | 2 | 2 | 1 | 1 | 1 | 1 | 1 | 1 | 1 | 1 |

Note: This Stage carriage air conditioned coach is to be operated direct subject to the condition that no passenger to be picked up or set down anywhere enroute except at Mapusa and also subject to the condition that no replacement of air conditioned coach by a non-air conditioned coach will be allowed under any circumstances, even temporarily.

PART 'E'

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | 13 | 14 |
|-------------------|---|---|---|---|---|---|---|---|----|----|----|----|----|
| 1. Diu - Bombay | | 1 | 1 | 1 | 1 | — | — | — | — | 1 | 1 | 1 | 1 |
| 2. Daman - Bombay | | 4 | 4 | 4 | 4 | 2 | 2 | 2 | 2 | 2 | 2 | 2 | 2 |
| Total ... | | 5 | 5 | 5 | 5 | 2 | 2 | 2 | 2 | 3 | 3 | 3 | 3 |

Note: 1. Passengers not to be picked up in Maharashtra area after Greater Bombay in the case of Bombay-Diu.

2. Passengers permitted to be picked up and set down at the stages to be finalised by both nominees in the case of Daman-Bombay.